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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,265	11/30/2001	Tatsuhiko Nagata	1408.1005	3728
21171	7590	06/17/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			FOX, CHARLES A	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/997,265	NAGATA, TATSUHIKO	
	Examiner	Art Unit	
	Charles A. Fox	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7, 10-17, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This application has been reassigned to examiner Charles A. Fox.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). There is no mention of when the locking member cancels the lock when inserting a door into the pod. As the claim is not enabled by the specification it has not been treated on the merits.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2 and 4 recites the limitation "the plane" in lines 3 and 6 and line 9 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The locking member is used to secure the pod cover to the port door. The initial step in returning the cover to the pod is moving it from a remote

position. If the cover is unlocked at that time it will become disengaged from said port door. As such it is not clear how the cover can be returned and aligned with the pod if it is not securely engaged with the port door.

Claims 5,6 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are:

initiation of the holding mechanism prior to activation of the locking members;
removing the cover from the pod.

All three claims contain methods steps for using the disclosed apparatus and do not add any additional structural limitations to the claims from which they depend. As there are no other method steps disclosed it is not possible to ascertain how these steps related to the instant invention as disclosed. If the applicant wishes to claim a method of using the device proper method claims should be written, said claims should be complete as to the steps involved in using the device. The rejection of claims 5 and 18 below treat the claims in terms of how the Rosenquist device operates.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1,2 and 4 are rejected under 35 U.S.C. 102(a) as being anticipated by Rosenquist. In regards to claim 1 Rosenquist US 6,530,736 discloses a device for removing a pod cover at a load port for a process machine, the device comprising:

- at least one positioning member (124) for determining the position of a pod cover (22);

- a fine adjustment mechanism (122) to finely adjust the positioning members relative to the pod door;

- a holding mechanism to hold the relative positions of the port door and the pod cover.

In regards to claim 2 Rosenquist further discloses that the port door further comprises:

- a base plate (not numbered) and a position adjusting plate (106) attached to the front of said base plate;

- said adjustment plate movable out of a vertical plane;

- said fine adjustment mechanism (168) provided on the base plate and supporting the position adjusting plate in a non vertical orientation as needed;

- the holding mechanisms (110) being provided in the base plate.

In regards to claim 4 Rosenquist further discloses that said holding mechanism comprises:

- a locking member provided on the adjusting plate for engaging the pod cover;

- a lock drive mechanism to rotate said locks;

a transmission mechanism for allowing for deviation of the adjustment plate and the base plate from a vertical plane.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 3,5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenquist. In regards to claim 3 Rosenquist teaches moving the adjustment plate based on signals from a series of plunger. While he does not teach resetting the adjustment plate after removing a pod from the device. It would have been obvious to one of ordinary skill in the art, at the time of invention that the adjustment plate would return to its neutral position when the sensors do not detect a pod approaching the port door.

In regards to claims 5 and 18 Rosenquist also teaches that the device cancels a holding mechanism for the adjustment plate prior to activating the locking members if a cassette is out of vertical alignment, and that said position is held until the cover is replaced on the misaligned pod.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenquist in view of Schneider. Rosenquist teaches a device for removing a pod cover at a load port for a process machine, the device comprising:

at least one positioning member (124) for determining the position of a pod cover (22) by engaging the pod cover;

a position securing mechanism (110) for holding the port door and pod cover together. Rosenquist does not teach the position securing device be pneumatically actionable. Schneider US 5,775,837 teaches a plug (322) for insertion into a hole in an item, wherein said item is secured to said plug by changing the external diameter of said plug, said diameter of plug has a stretch member(316) that stretches according to its internal pressure. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Rosenquist with the pneumatic plugs as taught by Schneider in order to allow the port door to be secured to a pod cover with no mechanical sliding of parts, thereby reducing the amount of debris generated in the mating of the port door and the pod cover.

Response to Amendment

The amendments to the specification, drawings, and claims filed on March 4, 2004 have been entered into the record.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
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6-14-04